THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.9006 of 2007

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Date: 26.04.2007

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Between:

M.B.Vivek.

....Petitioner

and

The Government of A.P. and another.

....Respondents

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O R D E R:

The petitioner states that he is the owner and possessor of the land admeasuring 100 sq.yards in Sy.Nos. 94 to 98/1 and 105 to 108 situated at Vepagunta Village, Pendurthi Mandal, Visakhapatnam District, and that he intended to sell the said property and entered into an agreement of sale with the intending purchaser. According to him, the agreement of sale executed by him was presented to the second respondent, for registration. The grievance of the petitioner is that the second respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey numbers. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second respondent to receive and process the document presented by the petitioner and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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26.04.2007

Note:Furnish C.C. in three days.

(b/o)

GJ

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77